

necessary for younger pages, and also to eliminate the need for construction of the residential page classroom and dormitory building, and therefore to repeal authorization for such building. In the House, the bill was referred to the Committee on Rules on July 16, 1973; no further action was taken.

§ 7. Joint Committees

Joint committees may be created by statute⁽⁷⁾ or by concurrent resolution.⁽⁸⁾ Joint resolutions have been used to create joint committees for whatever period (or indefinitely) specified in that law,⁽⁹⁾ but concurrent resolutions, which do not require the President's signature, have been used for this purpose with greater frequency although their duration

cannot then extend beyond the Congress during which created.⁽¹⁰⁾ Simple resolutions have been used in the past to appoint Members of the House to a committee to work in conjunction with a similar Senate committee, but this was infrequent.⁽¹¹⁾

Members are selected for service on joint committees primarily through appointment by the Speaker. There have been instances, however, in which the members of a joint committee were elected by the House.⁽¹²⁾

Recent joint committees have featured an equal number of members from both Houses, with the chairmanship alternating between the House and Senate. As distinguished from conference committees, voting is per capita—that is, with each member having one vote.⁽¹³⁾

7. See, for example, 42 USC §2251 (Joint Committee on Atomic Energy).

According to Jefferson's Manual, the use of joint committees originated in the English Parliament. See *House Rules and Manual* §325 (1979). Indeed, a joint committee was appointed to arrange for the inauguration of President Washington. 3 Hinds' Precedents §1986.

8. 3 Hinds' Precedents §§1998, 1999; 4 Hinds' Precedents §§4409, 4410, 4412–4416; 6 Cannon's Precedents §380.

9. See, for example, 6 Cannon's Precedents §371.

10. See 4 Hinds' Precedents §4409, in which a joint resolution was amended so that it became concurrent in form, and the signature of President Andrew Johnson was not required.

11. 1 Hinds' Precedents §3; 3 Hinds' Precedents §1953; 4 Hinds' Precedents §4411.

12. In 1821 the House ordered that the members from the House on the joint committee on the admission of Missouri to statehood be elected by ballot. 4 Hinds' Precedents §4471.

13. Historically, however, there were usually more House Members than Senators on joint committees, al-

Joint committees are advisory in nature. They seldom have legislative jurisdiction, and do not ordinarily have the power to report legislative measures for consideration with the exception of the former Joint Committee on Atomic Energy. They generally function in areas beyond the jurisdiction of any particular committee of either House. They are considered advantageous in that they can avoid the repetition of testimony before both Houses, harmonize the congressional approach to a subject, concentrate a limited supply of competent technical staff personnel and minimize risks where security and secrecy is essential.

Until the 95th Congress, the Joint Committee on Atomic Energy was composed of nine Senators and nine Representatives. The Speaker appointed the House members, no more than five of whom could be from one political party.⁽¹⁴⁾ The chairmanship alternated with each Congress between the House and the Senate.⁽¹⁵⁾

In the performance of its duties, the committee held hearings, both

though the voting was per capita; a Senator often served as the joint committee chairman. 3 Hinds' Precedents §1946; 4 Hinds' Precedents §§4425-4431.

14. 42 USC §2251.

15. 42 USC §2253.

public and executive, issued subpoenas, hired experts, and classified information it received.⁽¹⁶⁾ It studied problems relating to the development, use, and control of atomic energy. Government agencies were directed to furnish the committee with information with respect to activities or responsibilities in the field of atomic energy. Bills and other measures in either the House or the Senate respecting the development, use, or control of atomic energy were referred to the committee, which, unlike most joint committees, had the power to report legislation and make recommendations within its jurisdiction.⁽¹⁷⁾ However, on Jan. 4, 1977, the rules of the House were amended so as to abolish the legislative jurisdiction of this committee, and to transfer such jurisdiction to other committees. Its members were not reappointed.⁽¹⁸⁾

Established by the Legislative Reorganization Act of 1970,⁽¹⁹⁾ the

16. 42 USC §§2254-2256.

17. 42 USC §2252.

18. The legislative jurisdiction of the Joint Committee on Atomic Energy was divided among several standing committees, in the House, on the basis of subject matter. See *House Rules and Manual* §983a (1979). See also H. Res. 5, 95th Cong. 1st Sess. (1977), amending Rule X clause 5(e), *House Rules and Manual* §700 (1979).

19. 2 USC §§411-417.

Joint Committee on Congressional Operations was composed of five Members from the House, appointed by the Speaker, and five Senators, appointed by the President of the Senate. Two of the committee members from each House were from the minority party. During even-numbered Congresses, the House Members selected the committee chairman, while the Senators selected the vice chairman, with the process being reversed during odd-numbered Congresses.⁽¹⁾

The Joint Committee on Congressional Operations had three principal responsibilities: identifying court proceedings affecting Congress and calling such proceedings to the attention of Congress; making a continuing study of the organization and operation of the Congress and recommending improvements therein; and supervising the Office of Placement and Management, which was created to provide congressional offices with trained personnel on request.⁽²⁾

The Joint Committee on Defense Production was established

pursuant to the provisions of the Defense Production Act of 1950.⁽¹³⁾ This committee consists of five Senators from the Senate Committee on Banking and Currency and five House Members, all of whom also serve on the House committee with jurisdiction over banking and currency. The chairmen of the respective Senate and House standing committees select the members, of whom at least two must be from the minority party in each House.⁽⁴⁾

Under the provisions of the Defense Production Act of 1950, the joint committee was charged with the responsibility of making continuing studies and reviewing the progress achieved under the various programs established by the act. These programs included such matters as the requisition of property needed for national defense, expansion of productive capacity and supply, wage and price stabilization, settlement of labor disputes, control of consumer and real estate credit, and priorities and allocations in contracts and materials designed to aid the national defense.⁽⁵⁾ More recently, the joint committee has focused on

1. *Parliamentarian's Note*: The members of the Joint Committee on Congressional Operations were not reappointed to office in the 95th Congress. The Select Committee on Congressional Operations was created in the House in its place.
2. 2 USC §§412, 416.

3. 50 USC App. §§2061 et seq. The committee itself was established pursuant to 50 USC App. §2161.
4. 50 USC App. §2162(a)(2).
5. 50 USC App. §§2061 et seq.

reviewing the condition of federal emergency preparedness and mobilization policies, programs and organizations, and examining the development of federal materials policy in terms of availability for defense purposes.⁽⁶⁾ The joint committee monitors the integrity of defense contracts and the procurement process. It also develops legislative recommendations in connection with antitrust immunity for voluntary agreements in support of national energy or defense programs.⁽⁷⁾

Upon request, the joint committee provides aid to the committees of Congress having legislative jurisdiction over the subject matter and programs authorized under the Defense Production Act. The joint committee reports to the Senate and House, from time to time, concerning the results of its studies and any recommendations developed from such studies.⁽⁸⁾

In the performance of its responsibilities, the joint committee is authorized to hold hearings, issue subpoenas duces tecum, administer oaths to witnesses, and procure the printing of testimony and reports.⁽⁹⁾

6. Annual Report of the Joint Committee on Defense Production. H. Rept. No. 95-352, p. 1, 95th Cong. 1st Sess. (1976).

7. *Id.*

8. 50 USC App. § 2162(2)(b).

9. 50 USC App. § 2162(2) (c), (d).

Parliamentarian's Note: Although the legislation which established the joint committee was extended through Sept. 30, 1979, no appropriation for salaries and expenses of the joint committee was made for the fiscal year ending Sept. 30, 1978. The sum of \$225,000 requested for the operation of the joint committee during 1978 was eliminated from the Legislative Branch Appropriation Act, 1978 (Pub. L. No. 95-94). See the debate on funding for the committee beginning at 123 CONG. REC. 21399, 95th Cong. 1st Sess., June 29, 1977. No appointments were made to the joint committee in the 95th and 96th Congresses.

The Joint Committee on Internal Revenue Taxation is composed of five members from the House and five from the Senate. Of the five House members, all are from the Committee on Ways and Means and two represent the minority party. The five Senate members are from the Committee on Finance and two of them are from the minority party.⁽¹⁰⁾ By the provisions of the statute, the joint committee elects a chairman and vice chairman from among its members.⁽¹¹⁾

10. 26 USC § 8002.

11. 26 USC § 8003.

Parliamentarian's Note: In practice, the chairmanship of the joint

The joint committee has several investigative functions. It studies the operation and effect of internal revenue taxes and the administration of such taxes by the Internal Revenue Service and other executive departments. Another related function of the joint committee is to explore measures and methods for the simplification of these taxes, and to publish the results of such investigations from time to time.⁽¹²⁾

The joint committee is directed to report annually to Congress on refunds and credits on income, war profits, excess profits, estate, or gift taxes in excess of \$100,000, including the names of all persons and corporations to whom such amounts have been credited or paid.⁽¹³⁾

committee alternates between the House and Senate members, with a House Member becoming chairman in odd-numbered sessions.

12. 26 USC § 8022.

Pursuant to its authority to make investigations, the joint committee is authorized to secure information from the Internal Revenue Service and the executive branch, which is required to furnish such information to the joint committee. 26 USC § 8023.

The joint committee is empowered to issue subpoenas, hold hearings, and procure printing as it deems advisable. 26 USC § 8021.

13. 26 USC § 6405.

The Joint Committee on the Library is the permanent mechanism through which the two Houses of Congress coordinate their supervision of the Library of Congress. This committee is composed of the chairmen and four other members from the principal House and Senate committees with jurisdiction over measures concerning the management of the Library: the Committee on House Administration in the House, and the Senate Committee on Rules and Administration⁽¹⁴⁾ (in addition to the Chairman of the Committee on House Administration, the other House members are elected to the joint committee each Congress by resolution).

The Legislative Reorganization Act of 1946 established a new method for determining the joint committee's membership and abolished the separate standing committees on the Library that existed in each House.⁽¹⁵⁾ Before the

14. 2 USC § 132b. For the relevant jurisdiction of the Committee on House Administration, see § 39, *infra*.

Parliamentarian's Note: By agreement, the chairmanship of the joint committee alternates each year between the two Houses. The chairman of the House committee chairs the joint committee during the first session of a Congress; the chairman of the Senate committee holds that position during the second session.

15. See 2 USC § 132b.

1946 act, the “Joint Committee of Congress upon the Library” consisted of five Senators and five Representatives;⁽¹⁶⁾ the five House members of the joint committee also comprised, and exercised the functions of, a standing committee of the House, while the five Senators on the joint committee, together with five additional Senators, enjoyed the same status in the Senate. As standing committees, they were authorized to receive measures and to report such measures to their respective Houses.⁽¹⁷⁾

In the process of consolidating the then 48 House standing committees into 19, and the then 32 Senate standing committees into 15, the 1946 Reorganization Act abolished as separate entities the House and Senate standing committees on the Library. In the House, the Library committee was combined with 11 other committees to form the Committee on House Administration.⁽¹⁸⁾

An important function of the joint committee is to direct the

laying out of sums appropriated by Congress for the increase of the general library.⁽¹⁹⁾ In addition, within the framework of the law empowering the Librarian of Congress to “make rules and regulations for the government of the Library,”⁽²⁰⁾ the Librarian frequently consults with the chairman and vice chairman of the joint committee about Library matters. He keeps them informed of significant developments affecting, or likely to affect, the Library, and seeks their advice and recommendations on major policy matters which arise at the Library.

For almost a century, the Joint Committee on the Library has acted as the agent of Congress for supervising the acceptance and placement of works of art in the Capitol, usually through the Architect of the Capitol. The joint committee is authorized to accept, on behalf of Congress, any work of the fine arts offered for that building.⁽¹⁾ The Capitol rooms may not be used for private studios or works of art without the written permission of the joint committee.⁽²⁾

The chairman of the joint committee is a member of the Library

16. 32 Stat. 735 (1902).

17. For precedents relating to the jurisdiction of the joint committee, see 4 Hinds’ Precedents §§4337–4346 and 7 Cannon’s Precedents §§2081–2091.

18. Joint Committee on the Organization of Congress, committee print, pp. 2–4, 79th Cong. 2d Sess., July 22, 1946.

19. 2 USC §132a.

20. 2 USC §139.

1. 40 USC §188.

2. 40 USC §190.

of Congress Trust Fund Board. Statutes require the approval of the joint committee before that board may accept gifts, bequests, or devises of property for the benefit of, or in connection with, the Library.⁽³⁾

The joint committee is also charged with direction of the Botanical Garden and its personnel.⁽⁴⁾

The Chairman and two members of the Committee on House Administration and the Chairman and two members of the Senate Committee on Rules and Administration constitute the membership of the Joint Committee on Printing,⁽⁵⁾ and, in the House, are elected to the joint committee each Congress by resolution.

Although the joint committee is generally authorized to remedy neglect, delay, duplication, or waste in the public printing and distribution of government publications,⁽⁶⁾ its primary activity is controlling the arrangement and style of the *Congressional Record* and arranging for the semi-monthly publication of an index thereto.⁽⁷⁾ In fulfilling this func-

tion, the joint committee provides for the printing in the daily Record of the legislative program for the day, together with a list of congressional committee meetings and hearings.⁽⁸⁾

The Joint Economic Committee was established by the Employment Act of 1946.⁽⁹⁾ The committee is comprised of 10 Senators appointed by the President of the Senate and 10 House Members appointed by the Speaker. In each case, the majority party is to be represented by six members and the minority party by four members.⁽¹⁰⁾ By the committee rules, the chairmanship and vice chairmanship of the committee alternate from Congress to Congress between the House and Senate.⁽¹¹⁾

The Joint Economic Committee provides facts and analyses to keep Congress abreast of developing economic trends. It advises Congress as to the appropriate mix of public and private policies most likely to achieve the Nation's economic objectives as set forth in the Employment Act of 1946. It

sional Record, see Ch. 5, §§15–20, *supra*.

8. *House Rules and Manual* §983h (1977).

9. 15 USC §1021 et seq.

10. 15 USC §1024(a).

11. Rule VI, Rules of the Joint Economic Committee, as amended, approved Dec. 6, 1955.

3. 2 USC §§154, 156.

4. 40 USC §216.

5. 44 USC §101.

6. 44 USC §103.

7. 44 USC §901. For discussion of the purpose and format of the *Congres-*

does not draft or report legislation.

The committee makes its services available principally through publications, including reports and collections of professional materials. It also publishes each month up-to-date data in *Economic Indicators*,⁽¹²⁾ which is prepared for the committee by the Council of Economic Advisers.⁽¹³⁾

A primary function of the Joint Economic Committee is the report filed by Mar. 1 of every year⁽¹⁴⁾ to serve as a guide to the several committees of Congress dealing with legislation relating to the President's Economic Report. The

committee report contains the findings and recommendations of the committee with respect to each of the main recommendations made by the President.

Use of Concurrent Resolution to Create Joint Committee

§ 7.1 A privileged concurrent resolution to establish a Joint Committee on the Organization of the Congress was reported and called up by the House Committee on Rules. The concurrent resolution was agreed to by the House.

On Mar. 3, 1965,⁽¹⁵⁾ Mr. Ray J. Madden, of Indiana, of the Committee on Rules, reported the following privileged⁽¹⁶⁾ resolution (H. Con. Res. 4) which was referred to

12. 15 USC § 1025.

13. The Council of Economic Advisors is composed of three members appointed by the President by and with the consent of the Senate. The council employs specialists to analyze and evaluate various federal programs. It recommends to the President national economic policies intended to foster and promote free competitive enterprise and to avoid fluctuations in the American economy. The council gathers information on national economic trends and furnishes studies, reports, and recommendations on matters of federal economic policy and legislation as requested by the President. 15 USC § 1023.

14. 15 USC § 1024(b)(3). The date for filing the committee report has frequently been extended by law or by unanimous consent in the House. See §§ 61.10, 61.11, *infra*.

15. 111 CONG. REC. 3995, 89th Cong. 1st Sess.

16. The rules provide that certain committees may report at any time on certain subjects; see Rule XI clause 22, *House Rules and Manual* § 726 (1973). Matters giving rise to this privilege when reported from the Committee on Rules are "rules, joint rules, and order of business." However, there are some limitations on the power of the Committee on Rules to call up a report for consideration; see Rule XI clause 23, *House Rules and Manual* § 729 (1973). See also §§ 52–57, *infra*, and Ch. 21, *infra*.

the House Calendar and ordered to be printed:

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a Joint Committee on the Organization of the Congress (hereinafter referred to as the committee) to be composed of six Members of the Senate (not more than three of whom shall be members of the majority party) to be appointed by the President of the Senate, and six Members of the House of Representatives (not more than three of whom shall be members of the majority party) to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman and a vice chairman from among its members. No recommendation shall be made by the committee except upon a majority vote of the members representing each House, taken separately.

Sec. 2. The committee shall make a full and complete study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationship with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution. This study shall include, but shall not be limited to, the organization and operation of each House of the Congress; the relationship between the two Houses; the relationships between the Congress and other branches of the Government; the employment and remuneration of officers and employees of the respective Houses and officers

and employees of the committees and Members of Congress; and the structure of, and the relationships between, the various standing, special, and select committees of the Congress: *Provided*, That nothing in this concurrent resolution shall be construed to authorize the committee to make any recommendations with respect to the rules, parliamentary procedure, practices, and/or precedents of either House, or the consideration of any matter on the floor of either House: *Provided further*, That the language employed herein shall not prohibit the committee from studying and recommending the consolidations and reorganization of committees.

Sec. 3. (a) The Committee, or any duly authorized subcommittee thereof, is authorized to sit and act, at such places and times during the sessions, recesses, and adjourned periods of the Eighty-ninth Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable.

(b) The committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable.

(c) The expenses of the committee, which shall not exceed \$150,000 through January 31, 1966, shall be paid from the contingent fund of the Senate upon vouchers signed by the chairman.

(d) The committee shall report from time to time to the Senate and the

House of Representatives the results of its study, together with its recommendations, the first report being made not later than one hundred and twenty days after the effective date of this concurrent resolution. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the committee shall, when received, be referred to the Committee on Rules and Administration of the Senate and the appropriate committees of the House. . . .

On Mar. 11,⁽¹⁷⁾ by direction of the Committee on Rules, Mr. Madden called up House Concurrent Resolution 4, and asked for its immediate consideration.

The Clerk read the resolution and debate thereon followed. Much of the discussion centered on the proviso barring the joint committee from authorization "to make any recommendations with respect to the rules, parliamentary procedure, practices, and/or precedents of either House. . . ." as well as on the fact that privileged consideration of the concurrent resolution in the House under the "hour rule" prohibited any amendments to the resolution. The House agreed to the concurrent resolution,⁽¹⁸⁾ however, by voice vote.

17. 111 CONG. REC. 4768, 89th Cong. 1st Sess.

18. *Id.* at D. 4780.

Immediately thereafter, Speaker John W. McCormack, of Massachusetts, recognized Mr. Madden who then sought unanimous consent to take from the Speaker's desk a concurrent resolution (S. Con. Res. 2) to establish a Joint Committee on the Organization of the Congress. This resolution was identical ⁽¹⁹⁾ to the one (H. Con. Res. 4) just agreed to. Unanimous consent was granted and the Senate concurrent resolution was concurred in. House Concurrent Resolution 4 was then laid on the table.

Parliamentarian's Note: The Joint Committee on the Organization of Congress laid the groundwork for the Legislative Reorganization Act of 1970, which was considered and enacted in the 91st Congress (H.R. 17654) by the Committee on Rules.

§ 7.2 The Joint Committee on Washington Metropolitan Problems was created by concurrent resolution.

19. The language of H. Con. Res. 4 and S. Con. Res. 2 was also substantially similar to that employed in the 79th Congress in setting up the joint committee which resulted in the Legislative Reorganization Act of 1946. See H. Con. Res. 18, 91 Cong. Rec. 346, 347, 79th Cong. 1st Sess., Jan. 18, 1945; and 91 Cong. Rec. 1272, 79th Cong. 1st Sess., Feb. 19, 1945.

House Concurrent Resolution 172 was reported from the Committee on Rules and later called up as follows on June 21, 1957:⁽²⁰⁾

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I call up the concurrent resolution (H. Con. Res. 172) to establish a joint congressional committee to investigate matters pertaining to the growth and expansion of the District of Columbia and its metropolitan area and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a joint congressional committee to be composed of the members of the Committee on the District of Columbia of the Senate and the members of the Committee on the District of Columbia of the House of Representatives. The joint committee shall select a chairman and a vice chairman from among its members. A majority of the joint committee shall constitute a quorum except that a lesser number, to be fixed by the joint committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

Sec. 2. The joint committee, or any duly authorized subcommittee thereof, shall examine, investigate, and make a complete study of any and all matters pertaining to (a) the problems created by the growth and expansion of the District of Columbia and its metropolitan area, (b) how and with what degree of success such problems are handled and resolved by the various agencies and instrumentalities of the Government

which are charged with the duty of resolving such problems, and (c) how the resolution of such problems is affecting the affairs of the District of Columbia. The joint committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate and the House of Representatives at the earliest practicable date, but not later than January 31, 1958. Upon the submission of such report, the joint committee shall cease to exist and all authority conferred by this resolution shall terminate.

Sec. 3. The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within the United States, to hold such hearings, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony as it deems advisable.

Sec. 4. The joint committee shall have power to employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

After passage on that day, and amendment and adoption by the Senate on Aug. 26, 1957, the following proceedings took place in the House on Aug. 28, 1957:⁽²¹⁾

MR. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 172) to establish a joint Congressional committee to investigate matters pertaining to the growth and expansion of the District of Columbia and its metropolitan area, with Senate amendments thereto, concur in

20. 103 CONG. REC. 10022, 85th Cong. 1st Sess.

21. *Id.* at p. 16288.

Senate amendments Nos. 1½, 2, and 3, and concur in Senate amendment No. 1 with an amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments as follows:

Senate amendment No. 1½ Page 2, line 14, strike out "January 31, 1958," and insert "January 31, 1959."

Page 2, line 17, after "terminate" insert "but the joint committee shall make a progress report on its activities by January 31, 1958."

Page 3, after line 3, insert:

"Sec. 5. The expenses of the joint committee, through January 31, 1958, which shall not exceed \$50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee."

THE SPEAKER [Sam Rayburn, of Texas]: Is there objection to the request of the gentleman from Virginia?

There was no objection.

Senate amendments Nos. 1½, 2, and .3 were concurred in.

THE SPEAKER: The Clerk will report Senate amendment No. 1.

The Clerk read as follows:

Page 1, line 2, strike out all after "concurring)," down to and including "Representatives." in line 6, and insert "That there is hereby established a joint Congressional committee to be composed of three members of the Committee on the District of Columbia of the Senate, to be appointed by the chairman of such committee, and three members of the Committee on the District of Columbia of the House of Representatives, to be appointed by the chairman of such committee."

MR. SMITH of Virginia: Mr. Speaker, I offer an amendment to the Senate amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of Virginia: Strike out all after the word "Senate," and insert "to be appointed by the chairman of such committee, and three members of the Committee on the District of Columbia of the House of Representatives, to be appointed by the Speaker of the House of Representatives."

The amendment to the Senate amendment was agreed to.

The Senate amendment as amended was concurred in.⁽²²⁾

Subsequently, the Joint Committee on Washington Metropolitan Problems was extended by concurrent resolutions in the first and second sessions of the 86th Congress.⁽²³⁾ Hearings were also authorized to be held by Senate Concurrent Resolution 101, 86th Congress second session.

Continuation of Joint Committee by Concurrent Resolution

§ 7.3 A concurrent resolution continuing the Joint Committee on the Organization of the Congress, established by concurrent resolution in the 89th Congress, and providing additional funds for its operation, was considered by unanimous consent and agreed to by the House.

22. The Senate agreed to the House amendment to the Senate amendment on Aug. 28, 1957.

23. See § 7.9, *infra*.

On Jan. 31, 1967,⁽¹⁾ Mr. Ray J. Madden, of Indiana, a member of the Committee on Rules, sought unanimous consent to take from the Speaker's desk Senate Concurrent Resolution 2 and to concur therein. The resolution read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Organization of the Congress, established by Senate Concurrent Resolution 2, Eighty-ninth Congress, agreed to March 11, 1965, is hereby continued through June 30, 1967.

Sec. 2. The joint committee is hereby authorized to make expenditures from February 1, 1967, through June 30, 1967, not to exceed \$60,000, to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

Following brief debate, the resolution was concurred in,⁽²⁾ and a similar concurrent resolution (H. Con. Res. 51) was laid on the table.

Use of Joint Resolution to Create Joint Committee

§ 7.4 The House passed a joint resolution providing for the creation of a Joint Committee to Investigate Crime after amending the joint res-

1. 113 CONG. REC. 2081, 90th Cong. 1st Sess.

2. *Id.* at p. 2082.

olution to limit the existence of the joint committee to that Congress.

On July 12, 1968,⁽³⁾ by direction of the Committee on Rules, Mr. Claude D. Pepper, of Florida, called up a joint resolution (H.J. Res. 1) creating a Joint Committee to Investigate Crime, and asked for its immediate consideration.

The Clerk then read the proposal with the recommended committee amendments as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby created a Joint Committee To Investigate Crime, to be composed of seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and seven Members of the Senate to be appointed by the President pro tempore of the Senate. In each instance not more than four members shall be members of the same political party.

(b) Vacancies in the membership of the joint committee shall affect power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(c) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress.

Sec. 2. (a) The joint committee shall make continuing investigations and

3. 114 CONG. REC. 21012, 90th Cong. 2d Sess.

studies of all aspects of crime in the United States, including (1) its elements, causes, and extent; (2) the preparation, collection, and dissemination of statistics thereon, and the availability of reciprocity of information among law enforcement agencies, Federal, State, and local, including exchange of information with foreign nations; (3) the adequacy of law enforcement and the administration of justice, including constitutional issues pertaining thereto; (4) the effect of crime and disturbances in the metropolitan urban areas; (5) the effect, directly or indirectly, of crime on the commerce of the Nation; (6) the treatment and rehabilitation of persons convicted of crimes; (7) measures for the reduction, control, or prevention of crime; (8) measures for the improvement of (a) detection of crime; (b) law enforcement, including increased cooperation among the agencies thereof; (c) the administration of justice; and (9) measures and programs for increased respect for the law.

(b) The joint committee shall report to the Senate and the House of Representatives, from time to time, the results of its investigations and studies, together with such recommendations as it may deem desirable. Any department, official, or agency engaged in functions relative to investigations or studies undertaken by the joint committee shall, at the request of the joint committee, consult with the joint committee from time to time with respect to such functions or activities.

Sec. 3. (a) In carrying out its duties, the joint committee or any duly authorized subcommittee thereof is authorized to hold such hearings and investigations, to sit and act at such

places and times within the United States, including any Commonwealth or possession thereof, whether the House or the Senate is in session, has recessed, or has adjourned, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems necessary. The joint committee may make such rules respecting its organization and procedures as it deems necessary. No recommendation may be reported from the joint committee unless a majority of the committee is present. Subpoenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

(b) The joint committee may appoint and fix the compensation of such clerks, experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable; and, with the prior consent of the heads of departments or agencies concerned and the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Federal Government, as it deems advisable. The joint committee is authorized to reimburse the

members of its staff for travel, subsistence, and the other necessary expenses incurred by them in the performance of the duties vested in the joint committee other than expenses in connection with meetings of the joint committee held in the District of Columbia during such times as the Congress is in session.

Sec. 4. The expenses of the joint committee shall be paid one-half from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate, upon vouchers signed by the chairman or the vice chairman of the joint committee.

With the following committee amendments:

On page 2, line 5: After the word "members", strike the words "at the beginning of each Congress".

At the end of the joint resolution, add the following paragraph:

"Sec. 5. The Joint Committee To Investigate Crime shall expire at the end of the Ninetieth Congress."

The committee amendments were immediately agreed to, after which debate ensued on the joint resolution as amended. Upon concluding debate, the House passed⁽⁴⁾ the proposal on a yeas and nays vote—yeas 319, nays 12.

§ 7.5 The House passed a joint resolution providing for the establishment of a Joint Committee on the Environment.

On July 20, 1971,⁽⁵⁾ pursuant to the dictates of a special rule (H.

4. *Id.* at p. 21031.

5. 117 CONG. REC. 26205 92d Cong. 1st Sess.

Res. 424)⁽⁶⁾ adopted shortly before,⁽⁷⁾ the House resolved itself into the Committee of the Whole for the consideration of a joint resolution (H.J. Res. 3) to create a Joint Committee on the Environment. After general debate and amendments under the five-minute rule, Chairman Don Fuqua, of Florida, reported the joint resolution back⁽⁸⁾ to the House with sundry amendments adopted by the Committee of the Whole.

Shortly thereafter, Speaker pro tempore Hale Boggs, of Louisiana, put the question on the amendments adopted by the Committee of the Whole, which were agreed to. The joint resolution was then passed, as amended, and read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

6. *Id.* at p. 26202. Since the joint resolution contained an authorization for appropriations, it was not privileged. Moreover, the special rule served the purpose of permitting amendments under the five-minute rule in Committee of the Whole and allowing Members more time for discussion of the measure than would otherwise have been available under the "hour rule" in the House. See remarks of Mr. Richard Bolling (Mo.) at p. 26202.

7. *Id.* at p. 26205.

8. *Id.* at p. 26218.

(a) there is established a joint congressional committee which shall be known as the Joint Committee on the Environment (hereafter in this joint resolution referred to as the "committee") consisting of eleven Members of the Senate to be appointed by the President of the Senate and eleven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the eleven Members of the Senate appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. Of the eleven Members of the House of Representatives appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. In the appointment of members of the committee under this subsection, the President of the Senate and the Speaker of the House of Representatives shall give due consideration to providing representation on the committee from the various committees of the Senate and the House of Representatives having jurisdiction over matters relating to the environment.

(b) The committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by Members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the Mem-

bers of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purposes of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

(g) The committee shall not undertake any investigation of any subject matter which is being investigated by any other committee of the Senate or the House of Representatives.

Sec. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the character and extent of environmental changes that may occur in the future

and their effect on population, communities, and industries, including but not limited to the effects of such changes on the need for public and private planning and investment in housing, water resources (including oceanography), pollution control, food supplies, education, automation affecting interstate commerce, fish and wildlife, forestry, mining, communications, transportation, power supplies, welfare, and other services and facilities;

(2) to study methods of using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic and other requirements of present and future generations of Americans;

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality; and

(4) to review any recommendations made by the President (including the environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969) relating to environmental policy.

(b) The environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee, which shall, as soon as practicable thereafter, hold hearings with respect to such report.

(c) On or before the last day of December of each year, the committee shall submit to the Senate and to the

House of Representatives for reference to the appropriate standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the appropriate standing committees of the Congress prior to such annual report as it deems advisable.

(d) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

Sec. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and

the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

Sec. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated not to exceed \$300,000 for each fiscal year to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.⁽⁹⁾

Parliamentarian's Note: The Senate did not take action on House Joint Resolution 3.

Establishing Special Senate Committee

§ 7.6 A Special Committee on the Organization of the Congress (composed of the Senate members of the Joint Committee on Organization) was established in the Senate to receive, consider, and report on a bill encompassing the legislative recommendations of the joint committee.

On Aug. 22, 1966,⁽¹⁰⁾ the Senate proceeded to consider a resolution

(S. Res. 293) creating a "Special Committee on the Organization of the Congress" consisting of the six Senators who were already members of the Joint Committee on the Organization of the Congress and providing certain instructions with respect to their duties.

The resolution, as reported by the Committee on Rules and Administration with certain recommended amendments, read as follows:

Resolved! That a special committee to be composed of the six Senators who are members of the Joint Committee on the Organization of the Congress is hereby established, with authority to sit and act during the sessions, recesses, and adjourned periods of the Eighty-ninth Congress (and such committee shall cease to exist, March 31, 1967), for the purpose of receiving and considering a bill, when introduced, and germane amendments relating thereto, having for its purpose the carrying out of the recommendations contained in the report of the Joint Committee on the Organization of the Congress, Report No. 1414, July 28, 1966. Such bill, when introduced, and amendments shall be referred to the committee for its consideration and such committee is hereby authorized to report to the Senate with respect to any such matter referred to it, together with such recommendations as it may deem advisable: *Provided*, That no report shall be made until the chairman and ranking minority member of each standing committee of the Senate shall have been given the opportunity to ap-

9. For a similar example in an earlier Congress, see 81 CONG. REC. 243, 75th Cong. 1st Sess., Jan. 14, 1937.

10. 112 CONG. REC. 20758, 20759, 89th Cong. 2d Sess. See § 7.1, *supra* (*Parliamentarian's Note*).

pear before the special committee and present their views. Nothing in this resolution shall be construed to authorize the committee to report any bill or amendment containing any provision which has the effect of changing the rules, parliamentary procedure, practices, or precedents of either House, or which has the effect of changing in any manner the consideration of any matter on the floor of either House, unless such provision is to carry out a recommendation contained in such report of July 28, 1966. Any vacancy occurring in the membership of the committee shall be filled by appointment by the President of the Senate.

The resolution, with the recommended amendments, was promptly agreed to.

Joint Committee on Atomic Energy

§ 7.7 The Joint Committee on Atomic Energy and not the Committee on Armed Services had jurisdiction of bills to repeal the Atomic Energy Act of 1946.

On Mar. 18, 1947,⁽¹¹⁾ Walter G. Andrews, of New York, Chairman of the Committee on Armed Services, obtained unanimous consent to have his committee discharged from further consideration of the bill (H.R. 2543) described above and to have it rereferred to the

11. 93 CONG. REC. 2204, 80th Cong. 1st Sess.

Joint Committee on Atomic Energy.

§ 7.8 The Joint Committee on Atomic Energy and not the Committee on the Judiciary had jurisdiction of a communication transmitting a proposed bill to provide rewards for information concerning illegal introduction into the United States or illegal manufacture or acquisition in the United States of special nuclear material and weapons.

On Aug. 5, 1954,⁽¹²⁾ Mr. W. Sterling Cole, of New York, obtained unanimous consent that a letter (Executive Communication No. 1783) from the Attorney General described above be referred from the Committee on the Judiciary to the Joint Committee on Atomic Energy.

Joint Committee on Washington Metropolitan Problems

§ 7.9 The Joint Committee on Washington Metropolitan Problems was authorized, by concurrent resolution, to hold hearings and report to the Committees on the District of Columbia of the Senate and House on two bills to

12. 100 CONG. REC. 13486, 83d Cong. 2d Sess.

aid in the development of an integrated system of transportation for the National Capital region.

On Apr. 21, 1960,⁽¹³⁾ John L. McMillan, of South Carolina, Chairman of the Committee on the District of Columbia, obtained unanimous consent to have the following concurrent resolution (S. Con. Res. 101) discharged from further consideration by the Committee on Rules and brought up for immediate consideration by the House:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Washington Metropolitan Problems, created by House Concurrent Resolution 172, agreed to August 29, 1957, is hereby authorized to hold public hearings on the bills S. 3193 and H.R. 11135,⁽¹⁴⁾ and to furnish transcripts of such hearings, and make such recommendations as it sees fit, to the Committees on the District of Columbia of the Senate and House of Representatives, respectively.⁽¹⁵⁾

Shortly thereafter, the concurrent resolution was agreed to.⁽¹⁶⁾

13. H. Jour. 293, 86th Cong. 2d Sess.

14. Both S. 3193 [see 106 CONG. REC. 13598, 86th Cong. 2d Sess., June 21, 1960] and H.R. 11135 [see 106 CONG. REC. 14130, 86th Cong. 2d Sess., June 23, 1960] were reported as bills "to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency; and for other purposes."

Note: The Joint Committee on Washington Metropolitan Problems was extended by S. Con. Res. 2 (passed House Feb. 5, 1959); S. Con. Res. 59 (passed House Aug. 14, 1959); and S. Con. Res. 82 (passed House Feb. 16, 1960).

15. See §7.2, *supra*, for creation of the Joint Committee on Washington Metropolitan Problems.

16. The permanent Record [106 CONG. REC. 8546, 86th Cong. 2d Sess., Apr. 21, 1960] and the House Journal [H. Jour. 293, 86th Cong. 2d Sess., Apr. 21, 1960] are at variance with respect to the passage of S. Con. Res. 101. The permanent Record merely discloses that the Committee on Rules was discharged from consideration of the measure. The Journal, however, indicates that the concurrent resolution was subsequently agreed to. Further verification of this is evidenced by the House's subsequent consideration of H.R. 11135 [106 CONG. REC. 14569, 86th Cong. 2d Sess., June 27, 1960] when Mr. John R. Foley, of Maryland, acknowledged the work performed by the Joint Committee on Washington Metropolitan Problems.